

the joint meeting, when we will hear the President of France speak, the Senate proceed to the consideration of the conference report on H.R. 3043, the Labor-HHS appropriations bill, if it has been received from the House; that there be 1 hour for debate divided equally among Senators HARKIN, REED of Rhode Island, SPECTER, and HUTCHISON, and 2 hours for debate under the control of the two leaders or their designees; that following the use or yielding back of time, Senator HUTCHISON be recognized to make a rule XXVIII scope point of order; that Senator HARKIN be recognized to waive rule XXVIII, and the Senate then proceed to debate the motion as under the provisions of rule XXVIII; that if the point of order is sustained, Senator COBURN be recognized to move to suspend the rules, provided it had been timely filed; that there then be 30 minutes for debate equally divided in the usual form; that at the conclusion or yielding back of time, the Senate vote, without any intervening action, on his motion to suspend the rules; that if the motion to suspend is adopted, Senator COBURN's amendment be agreed to and the Senate proceed to concur as stated below; that if his motion fails, then the Senate, without any intervening action or debate, vote immediately on the motion to recede and concur with the further amendment as under the rule; that if the motion to waive is successful, the Senate then vote on Thursday, November 8, on cloture on the conference report as if it had been filed on Tuesday, November 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

##### REAL ID ACT

Mr. LEAHY. Mr. President, when the REAL ID Act was added to an emergency supplemental spending bill in 2005, with little debate or foresight, I believed that Congress had made a mistake. I was not alone, and since that time 38 States have either introduced or passed legislation opposing the law. Seventeen States have enacted laws in opposition. I have joined Senators AKAKA, SUNUNU, TESTER, BAUCUS, and ALEXANDER in introducing legislation to repeal the driver's license provisions of the law and to replace them with the negotiated rulemaking process that had been originally enacted in the 2004 Intelligence Reform and Terrorist Prevention Act. That bill, which REAL ID superseded, was intended to improve the security of State driver's licenses through a cooperative partnership with the States and the private sector.

The Judiciary Committee held a hearing on May 8 of this year to examine whether the REAL ID Act is actually an effective way to improve our security. I agreed with many at the hearing who argued that the REAL ID Act was not an effective way to improve

identity security, and the sacrifices Americans would be compelled to make in their personal privacy were unacceptable. All agreed more could and should be done to ensure the integrity of identification documents, but many cautioned that the REAL ID Act is not the most effective way to do it.

Opposition to the REAL ID Act has been bipartisan and widespread among the States and many Federal lawmakers. In addition to the enormous financial burdens placed on the States, the law raises serious privacy concerns about the Federal Government's interference in a responsibility traditionally left to the State. Proponents of the law proclaim it is not a national ID card. But when the Federal Government begins directing how a State driver's license is issued, what characteristics the card must have, and conditioning access to Federal buildings and airplanes on possession of a REAL ID card, it is difficult to think this is anything but the first, big step toward a national identification card that so many Americans oppose.

But the reality of the dissatisfaction among the American people is catching up with the administration. The Washington Post recently reported that Secretary Chertoff is expected to announce yet another delay for REAL ID's implementation deadline. Secretary Chertoff previously waived the May 2008 compliance deadline and set a new target of 2013 for nationwide compliance. Now Secretary Chertoff will reportedly extend this date to 2018 for drivers who are older than 40 or 50, and officials have said the Government will not bar those not possessing a REAL ID license from Federal facilities and airplanes.

Despite being faced with determined opposition from the States and many Members of Congress, the administration still refuses to reconsider implementation of the law and is ignoring the pleas of the States. Without buy-in from the States and the American people, this program is doomed to failure. Delaying the inevitable by pushing back deadlines is not the way we will improve identity security. Had the negotiated rulemaking provisions enacted in the 2004 Intelligence Reform and Terrorist Prevention Act been left intact, meaningful identity security improvements could already be underway. Unfortunately, instead of addressing the fundamental problems this law poses for the States, the administration appears content merely to prolong a contentious and unproductive battle to force the States to comply. Rather than improved security, this course will result in resentment, litigation, and enormous costs that States will be forced to absorb. The administration would do much better to treat the States as partners and forgo the paternalistic mandates that the American people are rejecting. That spirit of cooperation would result in much greater security than the administration's go-it-alone strategy to force compliance with another ill-conceived policy.

Like the Western Hemisphere Travel Initiative, the REAL ID Act represents precisely the big-government interference the President's party claims to dislike. The American people are demanding that the Federal Government take a second look at the wisdom of charging ahead with a national ID card, and the administration ought to listen carefully to what many have been saying since this law was enacted, before more time is wasted trying to force this unpopular and cumbersome law on the citizens of the United States. I welcome all Senators to join me and the other cosponsors of S. 717 in rejecting the burdensome mandates of REAL ID and advocating for a better system of securing our fundamental identification documents.

#### HATE CRIMES, BIGOTRY AND ANTI-SEMITISM

Mr. SMITH. Mr. President, today I attended a hearing of the Helsinki Commission on the increase in anti-Semitism and extremist political parties in Europe.

I take a deep interest in hate crimes, bigotry, and anti-Semitism. In our society, these issues are mostly restricted to the political fringe. Nobody in this country would gain widespread electoral support for the formation of an explicitly racist party. We are perhaps unique in that respect. In Europe, these parties are not only formed—they are prospering.

Today's hearing did much to highlight the rise of bigotry and discrimination in Europe. A number of experienced witnesses from the U.N., executive branch, and nonprofit sector described the political situation in Europe today, and it is alarming. Across the continent, extremist groups are parading openly and gaining support. In Russia, two thousand supporters of a fascist organization rallied on November 4, the country's National Day, to shout xenophobic and anti-Semitic slogans. Many gave the Hitler salute. This in Russia, which suffered more from the aggression of Nazism than perhaps any other nation in the world.

In Hungary last month, 600 people were sworn in as new members of the extremist, paramilitary "Hungarian Guard," wearing uniforms similar to those of the World War II fascist government. By its own account, the Guard has thousands of applications to join its ranks, at a time when the elected Hungarian government is already unpopular because of its previous deceptive election campaign. This criticism led to widespread street violence last year, creating a tense environment ripe for radicalization. The Hungarian Guard is supported by the rightwing political party Jobbik, which is small but virulent. The Prime Minister of Hungary likened the formation of the Hungarian Guard to the increasing influence of Brownshirts in Hitler's Germany, a comparison which seems to me—at least at an early stage—to be